

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

STROBECK, JAMES N.,
Debtor.

Chapter 7
Case No.: 05-62085
Adv. Proc. No.

STROBECK, JAMES N.,
Plaintiff,

v.

GURSTEL LAW FIRM,
Defendant.

**COMPLAINT SEEKING TURNOVER OF PROPERTY
PURSUANT TO 11 U.S.C. § 542**

1. Plaintiff is the Debtor in the above-captioned chapter 7 case. This Court thus has jurisdiction over this proceeding, which arises in a case under the Bankruptcy Code and concerns property of the Debtor, pursuant to 28 U.S.C. § 1334. This proceeding is a core proceeding.
2. Certain of Plaintiff's exempt property, which is property of the estate as defined by 11 U.S.C. § 541, to wit, wages garnished within the ninety days prior to the bankruptcy filing date in the amount of \$1,130.64, in which he has an interest, is in the possession of Defendant.
3. At the time the Plaintiff's bankruptcy petition was filed, Plaintiff gave notice of the filing to Defendant, a copy of which is attached hereto as Exhibit A.
4. Upon receipt of this notice, Defendant was required pursuant to 11 U.S.C. § 542, to turn over this exempt property to the trustee in this case.
5. By letter dated February 3, 2006, the Plaintiff again provided notice to the Defendant of the bankruptcy filing and requested turnover of the garnished wages. A copy is attached hereto as Exhibit B.
6. The trustee has abandoned the bankruptcy estate's interest in the garnished wages. A copy of the abandonment is attached as Exhibit C.
7. Under 11 U.S.C. § 1306, the Plaintiff is entitled to possession of all property of

the estate.

8. Despite repeated demand for turnover of the garnished wages, the Defendant has refused to turn over the property as required by 11 U.S.C. § 542.

WHEREFORE, Plaintiff prays that this Court:

1. Order Defendant forthwith to turn over Plaintiff's wages garnished within the ninety days prior to the bankruptcy filing date in the amount of \$1,130.64 to the Trustee or the Plaintiff;
2. Award Plaintiff, pursuant to 11 U.S.C. § 105(a), reasonable attorney's fees and costs; and
3. Order such other relief as is just and proper.

Date: April 12, 2006.

WHEREFORE, Plaintiff prays that Defendant be ordered to turn over the subject property to Plaintiff forthwith; and Plaintiff prays for such other and further relief as is just and proper.

Dated: April 12, 2006.

/e/ Logan Moore
Logan Moore
Attorney for Debtor/Plaintiff
1118 Broadway
Alexandria, MN 56308
(320) 763-6561
Reg. #312083

Velde Law Firm, Ltd.
Attorneys At Law

David G. Velde
Brenda Velde
Logan Moore
Jennifer B. Klecker
Barbara McFadden

1118 Broadway
Alexandria, Minnesota 56308
veldelm@rea-alp.com

Fax (320) 763-6564
Telephone (320) 763-6561

December 22, 2005

The Gurstel Law Firm
401 North Third Street, Suite 590
Minneapolis, MN 55401-5009

RE: Cutting Edge Financial Group - James Strobeck
Your File No. 99400

Dear Sir:

Enclosed please find by fax a Notice of Case Filing regarding the above matter.

Please stop the garnishment of Mr. Strobeck's wages. Also, please remit to the Trustee, Tamara Yon, all wages that have been garnished from my client's wages in the last 90 days.

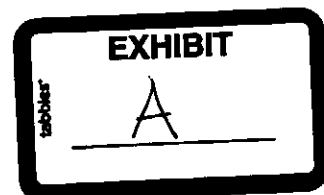
Sincerely,



Logan Moore

Enclosure

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

James N. Strobeck,
dba Strobeck Construction,
Debtor(s).

Bky Case No. 05-62085

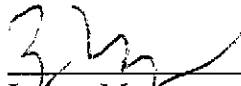
NOTICE OF CASE FILING

Gurstel Law Firm
401 North 3rd Street
#590
Minneapolis, MN 55401

YOU ARE HEREBY NOTIFIED that the Petition commencing this case under Chapter 7 of Title 11 of United States Code was filed by the debtors named above on December 22, 2005, with the Clerk of U.S. Bankruptcy Court at Fergus Falls, Minnesota. The commencement of this case constitutes an order for relief under 11 U.S.C. 301 or 302. The filing of this Petition operates as a stay of certain acts and proceedings under 11 U.S.C. 362.

Velde Law Firm, Ltd.

Dated: December 22, 2005.



Logan Moore
Attorney for Debtor(s)
Atty Reg No. 312083
1118 Broadway
Alexandria, MN 56308
(320)763-6561

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 3826
CONNECTION TEL 16126648222
CONNECTION ID
ST. TIME 12/22 17:48
USAGE T 01'01
PGS. SENT 3
RESULT OK

Velde Law Firm, Ltd.
1118 Broadway
Alexandria, MN 56308
320-763-6561
Fax: 320-763-6564

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 612-664-8222

To: The Gurstel Law Firm
Minneapolis, MN
From: Logan Moore
Client/Matter: Your File No. 99400
Date: December 22, 2005

DOCUMENTS	NUMBER OF PAGES*
Letter of today's date	1
Notice of Case Filing	1

COMMENTS:

Original will ~~not~~ follow by US Mail

Velde Law Firm, Ltd.

Attorneys At Law

David G. Velde
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Logan Moore
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1118 Broadway
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Fax (320) 763-6564
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February 3, 2006

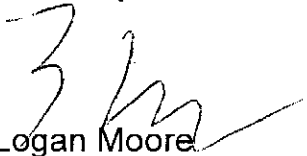
Gurstel Law Firm
401 North Third Street, Suite 590
Minneapolis, MN 55401-5009

Re: Cutting Edge Financial Group - James Strobeck
Your File # 99400
Bankruptcy Case #05-62085

To whom it may concern:

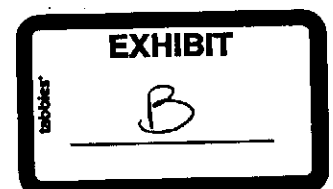
I have enclosed a Notice of Abandonment of the bankruptcy estate's interest in wages garnished from my client, Mr. Strobeck, within 90 days of his filing of bankruptcy. Please remit \$1,130.64 to my law firm in favor of my client. If you believe that this is not the correct amount garnished from my client within the 90 days of his filing for bankruptcy on December 22, 2005, please provide written verification of the amount that you believe was actually garnished. I expect these funds to be remitted within two weeks; otherwise we will be filing a turnover motion with the Bankruptcy Court.

Sincerely,


Logan Moore

LM/cjs

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Document Page 7 of 9

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4012
CONNECTION TEL 16126648222
CONNECTION ID
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PGS. SENT 4
RESULT OK

Velde Law Firm, Ltd.

1118 Broadway
Alexandria, MN 56308
320-763-6561
Fax: 320-763-6564

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 612-664-8222

To: Molly
Of: Gurstel Law Office
From: Logan Moore
Client/Matter: James Strobeck
Date: March 7, 2006

DOCUMENTS	NUMBER OF PAGES
letter with attachment	3

COMMENTS:

Original will not follow by US Mail

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Chapter 7

Strobeck, James N.

Bky. Case. No. 05-62085

Debtor.

NOTICE TO U.S. TRUSTEE OF ABANDONMENT

The undersigned trustee of the estate of the debtor named above will **abandon** property of the estate as follows and moves the Court for such orders as may be necessary or appropriate:

The debtor's wages were garnished prior to filing bankruptcy in the amount of \$1,130.64. The debtor scheduled the garnished wages as an asset and claimed this asset as exempt pursuant to 11 U.S.C. § 522(d)(5). The debtor has asked the trustee to abandon this asset as the debtor is seeking recovery of the garnished funds.

The undersigned trustee believes that the debtor has a valid claim of exemption for all of the garnished funds and that there is no equity for distribution to unsecured creditors. Thus, the undersigned trustee believes that abandonment is appropriate.

The trustee states that there is no creditors' committee, and that no entity has filed a request for notice or filed a notice of appearance, pursuant to the applicable rules.

Dated: January 26, 2006

/e/ Tamara L. Yon
Tamara L. Yon
Trustee in Bankruptcy
P.O. Box 605
Crookston, MN 56716

(218) 281-2400
(218) 281-5831 *Facsimile*



CERTIFICATE. The United States Trustee hereby acknowledges service and certifies that the United States Trustee has reviewed and agrees with the reduced notice and the disposition of the property described in the foregoing instrument.

Dated: _____, 200__

Habbo Fokkena
UNITED STATES TRUSTEE

By: *Tom Klein*